

**SUPREME COURT MINUTES
WEDNESDAY, SEPTEMBER 29, 2010
SAN FRANCISCO, CALIFORNIA**

S053228**PEOPLE v. ALEXANDER
(ANDRE STEPHEN)**

Rehearing denied; opinion modified
The opinion is modified on the court's own motion.
The petition for rehearing is denied.

S184583 C061150 Third Appellate District**AMERICAN NURSES
ASSOCIATION v.
O'CONNELL
(JACK)/(AMERICAN
DIABETES ASSOCIATION)**

Petition for review granted
Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S184665 F056605 Fifth Appellate District**PEOPLE v. MIL, JR.,
(EDUARDO)**

Petition for review granted
Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S185544 C060413 Third Appellate District**RALPHS GROCERY
COMPANY v. UNITED FOOD
& COMMERCIAL WORKERS
UNION LOCAL 8**

Petition for review granted
Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S185496 D055477 Fourth Appellate District, Div. 1**CARSON (LINDA) v.
MICHAELS STORES, INC.**

Petition for review granted; briefing deferred
The petition for review is granted.
Further action in this matter is deferred pending consideration and disposition of a related issue in *Pineda v. Williams-Sonoma*, S178241 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending

further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S177387

**SMITH (JOHNELL W.) ON
H.C.**

Order to show cause issued, returnable in Superior Court

The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause returnable before the Los Angeles County Superior Court, when the matter is ordered on calendar, why petitioner is not entitled to relief in case number YA050012 because the five-year enhancement imposed under Penal Code section 667, subdivision (a)(1) is unauthorized. (See *People v. West* (1984) 154 Cal.App.3d 100, 107-110; *People v. O'Neal* (2000) 78 Cal.App.4th 1065, 1068; see also Attorney General's concession in the Informal Response at p. 11, in S177387, filed June 21, 2010.) The return is to be filed on or before October 29, 2010.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S183689 B214111 Second Appellate District, Div. 7
Petitions for review denied

PEOPLE v. NASH (BOBBY)

S183808 B211370 Second Appellate District, Div. 4
Petitions for review denied

**PEOPLE v. JUAREZ
(LUDWIG LOUIE)**

S183815 B210958 Second Appellate District, Div. 4
Petitions for review denied

**PEOPLE v. AGUIRRE (JOSE
PHILLIP)**

S184050 E049355 Fourth Appellate District, Div. 2
Petition for review denied

PEOPLE v. WARF (JOE)

S184162 B214086 Second Appellate District, Div. 6
Petition for review denied
Moreno, J., is of the opinion the petition should be granted.

**PEOPLE v. OGLE (JASON
ROBERT)**

S184172 A121366 First Appellate District, Div. 2

Petitions for review denied

**PEOPLE v. JOHNSON
(ISHMAEL)**

S184329 C058391/C058392/C058633
Third Appellate District

Petitions for review denied

**PEOPLE v. MARTIN
(RAYMOND)**

S184352 G041999 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. VARGAS (JOSE
RICARDO)**

S184491 C062466 Third Appellate District
Petition for review denied

ROSS (TIMOTHY) ON H.C.

S184501 C062543 Third Appellate District

Petition for review denied

**PEOPLE v. WALKER, JR.,
(WILLIE)**

S184512 G042127 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. BENNER
(MELANIE MARIE)**

S184552 A123469 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. JOHNSON
(WILLIAM CHARLES)**

S184561 B223901 Second Appellate District, Div. 1

Petition for review denied

**ROBINSON (JOSEPH EVAN)
ON H.C.**

S184636 F060171 Fifth Appellate District
Petition for review denied

TKAC (STEVEN) ON H.C.

S184648 B212925 Second Appellate District, Div. 8
Petition for review denied

PEOPLE v. LAZOS (FRANK)

S184666 G042019 Fourth Appellate District, Div. 3
Petition for review denied

**PEOPLE v. CAMPO
(GUILLERMO O.)**

S184675 C059250 Third Appellate District
Petition for review denied

**PEOPLE v. BRAMBILA
(ROBERTO)**

S184684 A122762 First Appellate District, Div. 5
Petition for review denied

**PEOPLE v. CHATMAN
(CHARLES)**

S184695 G043537 Fourth Appellate District, Div. 3
Petition for review denied

**WATTS PLUMBING
TECHNOLOGIES (TAIZHOU)
CO., LTD. v. S.C. (CALMET
CORPORATION)**

S184706 C061767 Third Appellate District
Petition for review denied

**PEOPLE v. JORDAN
(MICHAEL TIMOTHY)**

S184742 B214639 Second Appellate District, Div. 3
Petition for review denied

**PEOPLE v. HOOPER
(JOSHUA JAMAL)**

S184743 D054983 Fourth Appellate District, Div. 1
Petition for review denied

**PEOPLE v. MELANSON
(FREDRICK JOSEPH)**

S184745 E048169 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. EAST (EBONE LEROY)

S184750 H033783 Sixth Appellate District

Petition for review denied

PEOPLE v. DIANO (MARLO PELONIO)

S184774 E048027 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. LOPEZ (JAIME)

S184786 E047105 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. MARION II (CARL BENTLY)

S184795 G039045 Fourth Appellate District, Div. 3

Petition for review denied

The request for judicial notice is granted.

FOGARTY-HARDWICK (DEANNA R.) v. COUNTY OF ORANGE

S184818 B212364 Second Appellate District, Div. 2

Petition for review & publication request(s) denied

WILSON (TYRINE) v. SON (KOOMIE)

S184824 A117715/A117750 First Appellate District, Div. 1

Petition for review denied

KERN COUNTY WATER AGENCY v. WATERSHED ENFORCERS

S184829 H032945 Sixth Appellate District

Petition for review denied

LOS ANGELES, COUNTY OF v. GLENDORA REDEVELOPMENT PROJECT

S184855 B214872 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. GUTIERREZ
(NOE GABRIEL)**

S184867 D054660 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. RILEY (SHARON
SUE)**

S184868 H034161 Sixth Appellate District

Petition for review denied

**PEOPLE v. FERNANDEZ
(RAUL)**

S184882 B215175 Second Appellate District, Div. 1

Petition for review & publication request(s) denied

**GOODRICH CORPORATION
v. STATE WATER
RESOURCES CONTROL
BOARD**

S184898 D056274 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. ACOSTA
(BRENDA ELIZABETH)**

S184930 G042256 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. SANCHEZ (JOE
ANTHONY)**

S184934 D054139 Fourth Appellate District, Div. 1

Petition for review denied; CA opinion decertified
The petition for review is denied.

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed June 23, 2010, which appears at 186 Cal.App.4th 1028. (Cal. Const., art. VI, section 14; rule 8.1125(c)(1), Cal. Rules of Court.)

**MILAN (TANYA) v. CITY OF
HOLTVILLE**

S184937	B213116 Second Appellate District, Div. 2	PEOPLE v. COOPER (TRAVIS)
Petition for review denied		
S184945	B225560 Second Appellate District, Div. 2	CLARKE (ANTHONY WAYNE) ON H.C.
Petition for review denied		
S184973	B217815 Second Appellate District, Div. 7	OTTE (DEVIN) ON H.C.
Petition for review denied		
S184976	B215121 Second Appellate District, Div. 7	ARRIOLA (MICHAEL S.) ON H.C.
Petition for review denied		
S185002	B219514 Second Appellate District, Div. 5	PEOPLE v. FOUCHER (BRIAN JAMAL)
Petition for review denied		
S185015	H034448 Sixth Appellate District	PEOPLE v. WHALEN (JEFFREY BOYD)
Petition for review denied		
S185020	B215603 Second Appellate District, Div. 5	PEOPLE v. BRYLEY (DENNIS JAMES)
Petition for review denied		
S185023	B225748 Second Appellate District, Div. 1	GRICE (AARON) ON H.C.
Petition for review denied		
The request for judicial is granted.		
S185030	B209052 Second Appellate District, Div. 7	ARRIOLA (MICHAEL S.) ON H.C.
Petition for review denied		

S185033	B225926 Second Appellate District, Div. 7	THOMAS (JAMES ALLEN) ON H.C.
Petition for review denied		
S185036	B214661 Second Appellate District, Div. 1	SHAHINIAN (HRAJR) v. LaFOLLETTE, JOHNSON, DEHAAS, FESLER & AMES
Petition for review & publication request(s) denied		
S185074	B216950 Second Appellate District, Div. 8	PEOPLE v. SANCHEZ (MIGUEL)
Petition for review denied		
S185123	B215471 Second Appellate District, Div. 5	IN RE G.G.
Petition for review denied; CA opinion decertified The petition for review is denied. The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed June 29, 2010, which appears at 186 Cal.App.4th 150. (Cal. Const., art. VI, section 14; rule 8.1125(c)(1), Cal. Rules of Court.)		
S185225	B225291 Second Appellate District, Div. 2	GREEN (DONALD) ON H.C.
Petition for review denied		
S185269	A124787 First Appellate District, Div. 2	McKINZIE (SCOTT) v. ROEMER (PAULA)
Petition for review denied		
S185297	D054878 Fourth Appellate District, Div. 1	AIR MACHINE COM SRL v. S.C. (SUKUMAR)
Petition for review denied		
S185318	B226047 Second Appellate District, Div. 7	CHAVEZ (HECTOR ARCENEGA) ON H.C.
Petition for review denied		

S185321 B215764 Second Appellate District, Div. 1

**ZAMORA (NANCY
HOFFMEIER) v. LEHMAN
(STEPHEN C.)**

Petition for review denied

S185342 B215594 Second Appellate District, Div. 8

**MUNOZ (TOM) v. BCI
COCA-COLA BOTTLING
COMPANY OF LOS
ANGELES/(GREENWELL)**

Petition for review denied

S185356 D056169/D056187 Fourth Appellate District, Div. 1 **IN RE QUINN M.**

Petition for review denied

S185397 H035130 Sixth Appellate District

**EL AGUILA FOOD
PRODUCTS v. WORKERS'
COMPENSATION APPEALS
BOARD (CERVANTES)**

Petition for review denied

S185416

**COX (JUSTIN) v. COURT OF
APPEAL, FOURTH
APPELLATE DISTRICT,
SECOND DIVISION
(PEOPLE)**

Petition for writ of mandate/prohibition denied

S185441 B225652 Second Appellate District, Div. 7

**CLARK (RAYMOND) v. S.C.
(BASSIS)**

Petition for review denied

S185453 B218009 Second Appellate District, Div. 7

**PARVIZIAN (SYRUS) v.
CALIFORNIA STATE
PERSONNEL BOARD
(CALIFORNIA
DEPARTMENT OF
TRANSPORTATION)**

Petition for review denied

S185458 G041253 Fourth Appellate District, Div. 3

**PEOPLE v. ALLEN (IAN
WESTLEIGH)**

Petition for review denied

S185464 D055817 Fourth Appellate District, Div. 1

**McCARTHY (ALLISON) v.
HYUNDAI MOTOR
AMERICA**

Petition for review & publication request(s) denied

S185505 H034894 Sixth Appellate District

**PEOPLE v. LIAS (HENRY
LEONARD)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Brown*, S181963.

S185508 C065459 Third Appellate District

**RUCKER, JR., (HAROLD J.)
v. WORKERS'
COMPENSATION APPEALS
BOARD (SACRAMENTO
COUNTY DEPARTMENT OF
HEALTH & HUMAN
SERVICES)**

Petition for review denied

S185546 F059717 Fifth Appellate District

**FLORES (JAMES QUINCY)
ON H.C.**

Petition for review denied

S185568 F057388 Fifth Appellate District

PEOPLE v. CABRAL (RICK DALE)

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Brown*, S181963.

S185581 H035851 Sixth Appellate District
Petition for review denied

CHAN (JUAN JESUS) ON H.C.

S185595 B215554 Second Appellate District, Div. 1
Petition for review denied

**PEOPLE v. SMITH
(GREGORY EUGENE)**

S185600 C061967 Third Appellate District
Petition for review denied

**PEOPLE v. STUDABAKER
(RYAN DAVID)**

S185627 D054179 Fourth Appellate District, Div. 1
Petition for review denied

PEOPLE v. MYERS (ROBERT LAMAR)

S185629 C065689 Third Appellate District
Petition for review denied

ROBERTS (EDWARD SCOTT) v. S.C. (PEOPLE)

S185635 F057393 Fifth Appellate District
Petition for review denied

**PEOPLE v. VENEGAS
(NATALIO OROZCO)**

S185639 H033927 Sixth Appellate District
Petition for review denied

PEOPLE v. HAMM (PERRY DAVIS)

S185642 D053687 Fourth Appellate District, Div. 1
Petition for review denied

PEOPLE v. DANG (NGHIEM DUC)

S185647 H033312 Sixth Appellate District

Petition for review denied

**PEOPLE v. KARIMPOUR
(GITI)**

S185650 E051263 Fourth Appellate District, Div. 2
Petition for review denied

TATUM (DARRELL) ON H.C.

S185655 D055838 Fourth Appellate District, Div. 1
Petition for review denied

**PEOPLE v. FISHER (PRINCE
D.)**

S185659 F057105 Fifth Appellate District
Petition for review denied

**PEOPLE v. GARCIA, SR.,
(RUBEN)**

S185664 E048355 Fourth Appellate District, Div. 2
Petition for review denied

**PEOPLE v. OATES (KARL
SAMUEL)**

S185666 E047636 Fourth Appellate District, Div. 2
Petition for review denied

**PEOPLE v. HALL, JR.,
(WESLEY JAMES)**

S185669 F057033 Fifth Appellate District
Petition for review denied

**PEOPLE v. HERNANDEZ
(ANDREW QUINTON)**

S185702 B221313 Second Appellate District, Div. 3
Petition for review denied

**PEOPLE v. DRAPER (LEON
SAMUEL)**

S185708 B217782 Second Appellate District, Div. 8
Petition for review denied

**BOZZI (KATYA) v.
NORDSTROM, INC.**

S185709 A124818 First Appellate District, Div. 4

Petition for review denied

PEOPLE v. LOPEZ (YOHAN PEREZ)

S185711 B212575 Second Appellate District, Div. 3

Petition for review denied

PEOPLE v. BUENO (JOSE LOPEZ)

S185715

Petition for writ of mandate/prohibition denied

EGY (JAMES DEAN) v. COURT OF APPEAL, THIRD APPELLATE DISTRICT (PEOPLE)

S185721 F057335 Fifth Appellate District

Petition for review denied

PEOPLE v. CASTILLO (ADAN MARTINEZ)

S185740 E049195 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. BELCHER (JUSTIN CORDELL)

S185746 G041898 Fourth Appellate District, Div. 3

Petition for review denied

PEOPLE v. RAMIREZ (JESUS)

S185748 D055736 Fourth Appellate District, Div. 1

Petition for review denied

TANG (PO-HAI) v. CS CLEAN SYSTEMS AG

S185750 B219849 Second Appellate District, Div. 5

Petition for review denied

The request for judicial notice is granted.

PEOPLE v. PREVEDELLO (CHRISTOPHER)

S185752 F057908 Fifth Appellate District

Petition for review denied

PEOPLE v. ZAVALA (MARK ANDREW)

S185759 F059878 Fifth Appellate District

Petition for review denied

**NORDLOFF (MICHAEL B.)
ON H.C.**

S185766 B217097 Second Appellate District, Div. 6

Petition for review denied

IN RE D.J.

S185768 F058277 Fifth Appellate District

Petition for review denied

PEOPLE v. MENDOZA (JOHN ALEXANDER)

S185785 B217691 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. LEVINE
(MATHEW JAMES)**

S185786 B216862 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. HARGETT
(WESLEY MARQUIS)**

S185787 B209881 Second Appellate District, Div. 1

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Dungo*, S176886, *People v. Gutierrez*, S176620, *People v. Lopez*, S177046, and/or *People v. Rutterschmidt*, S176213.

PEOPLE v. WISE (RICARDO GLEN)

S185797 B208638 Second Appellate District, Div. 3

Petition for review denied

PEOPLE v. WILSON (GUY SULLIVAN)

S185802 H034684 Sixth Appellate District

**PEOPLE v. KRAUS
(EDWARD FREDRICK)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Brown*, S181963.

S185819 F057124 Fifth Appellate District

**PEOPLE v. CASTILLO
(DAVID MARTINEZ)**

Petition for review denied

S185824 E047302 Fourth Appellate District, Div. 2

**BUONO (SALVATORE &
CAROLYN), MARRIAGE OF**

Petition for review denied

S185825 C058631 Third Appellate District

PEOPLE v. MERCED (JOSE)

Petition for review denied

S185826 B212555 Second Appellate District, Div. 7

**PEOPLE v. GUEVARA
(MARDOQUEO)**

Petition for review denied

S185834 C059979 Third Appellate District

**PEOPLE v. STRIBLING
(AARON L.)**

Petition for review denied

S185836 B210366 Second Appellate District, Div. 8

**PEOPLE v. SANTOS (ERIC
ALBERTO)**

Petition for review denied

S185840 A126311 First Appellate District, Div. 2

IN RE B.P.

Petition for review denied

S185918

Petition for writ of mandate/prohibition denied

**FERNANDEZ (FRANK V.) v.
COURT OF APPEAL,
FOURTH APPELLATE
DISTRICT, DIVISION TWO****S185924**

B221109 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. AGUIRRE (RAY
GUADALUPE)****S185946**

B226713 Second Appellate District, Div. 2

Petition for review & application for stay denied

**QUINTERO (JOEL MATIAS)
ON H.C.****S186070**

B226520 Second Appellate District, Div. 8

Petition for review & application for stay denied

**BROWN (CARL S.) v. S.C.
(PEOPLE)****S186317**

A126393 First Appellate District, Div. 5

Petition for writ of mandate/prohibition & application for stay denied

**WADE (CLENARD CEBRON)
v. COURT OF APPEAL,
FIRST APPELLATE
DISTRICT (PEOPLE)****S186513**

B227135 Second Appellate District, Div. 2

Petition for review & application for stay denied

**VIVEROS (RAUL) v. S.C.
(DELAP)****S186646**

A129536 First Appellate District, Div. 5

Petition for review & application for stay denied

The applications to appear as counsel pro hac vice are granted.

CRAIGSLIST, INC. v. S.C. (P.)

S186751**CALIFORNIA DEPARTMENT
OF CORRECTIONS &
REHABILITATION v. S.C
(MORALES)**

Petition for writ of mandate/prohibition denied

In March 2006, the California Department of Corrections and Rehabilitation (CDCR) adopted Operational Procedure 770 (OP 770), the protocol for execution by lethal injection in this state. In April 2006, condemned prisoners Michael Morales and Mitchell Sims sued CDCR and other state defendants (collectively the state) alleging that the adoption of OP 770 did not comply with the California Administrative Procedure Act (APA). (*Morales, et al. v. California Department of Corrections and Rehabilitation, et al.*, Marin County Super. Ct. No. CIV 06136.) In November 2007, the Marin County Superior Court permanently enjoined CDCR “from carrying out the lethal injection of any condemned inmates under OP 770 unless and until OP 770 is promulgated as a regulation in full compliance with the [APA]” (the 2007 injunction). That judgment was affirmed by the Court of Appeal (*Morales v. California Dep’t of Corr. & Rehab.* (2008) 168 Cal.App.4th 729 (*Morales I*)), and the state did not seek review in this court. Thereafter, a revised version of the protocol, approved by the California Office of Administrative Law, was promulgated (Cal. Code Regs., tit. 15, § 3349) and became effective by operation of law on August 29, 2010. (Gov. Code, § 11343.4.) The People thereupon notified condemned inmates, including Sims, that they would resume scheduling executions. On August 30, 2010, the Riverside County District Attorney obtained an execution date of September 29, 2010, for condemned inmate Albert Greenwood Brown.

Meanwhile, on August 10, 2010, Sims moved in Marin County Superior Court to enforce the 2007 injunction, urging that it continued to bar executions under the new and amended regulations unless and until the state demonstrated in court that these regulations complied with the APA. On August 31, 2010, the superior court granted the motion to enforce. On September 2, 2010, the state filed an original petition for writ of mandate in the Court of Appeal seeking to overturn the superior court’s order. On September 20, 2010, the Court of Appeal ordered the issuance of a peremptory writ of mandate directing the Marin County Superior Court to vacate its order enforcing the 2007 injunction and enter a new and different order denying the motion to enforce the injunction. The Court of Appeal specified that its judgment “shall be final as to this court immediately.” (*California Department of Corrections and Rehabilitation v. Superior Court (Morales et al., RPIs)*, A129540 (*Morales II*)).

Under applicable court rules, Sims thus has 10 days after September 20, 2010, or to and including September 30, 2010, to petition this court for review in *Morales II*. (Cal. Rules of Court, rule 8.500(e)(1).) Such a filing would be timely under the rules if, at any time on September 30, 2010, a petition for review is mailed by priority or express mail, or is delivered to a common carrier promising overnight delivery. (*Id.*, rule 8.25(b)(3).) In any event, this court has a minimum of 30 days after September 20, 2010, or to and including October 20, 2010, to order review on its own motion (*id.*, rule 8.512(c)(1)). The rules further provide that the Court of Appeal’s remittitur, transferring jurisdiction to the Superior Court to act in compliance with the Court of Appeal’s judgment, cannot issue while time remains for this court to order review. (*Id.*, rules 8.272(b)(1)(A), 8.490(c).)

On September 27, 2010, the Governor issued a reprieve of Brown's execution, effective until 11:59 p.m. on September 29, 2010, apparently believing this would ensure that the execution would not proceed prior to the timely filing of a petition for review in *Morales II*. Brown's execution was thereupon rescheduled for 9:00 p.m. on September 30, 2010. (See Pen. Code, § 1227.5.)

Thereafter, on September 27, 2010, the state filed in this court the instant "Petition for Mandate or Other Appropriate Relief." We solicited, and on September 28, 2010, we received, an informal response and an informal reply to the state's petition.

In its pleading, the state requests that we deem the Court of Appeal's decision in *Morales II* "final" if Sims has not filed a petition for review in that matter by 5:00 p.m. on September 30, 2010. If no such petition for review is filed within that time, the state further requests that we (1) then immediately order the Court of Appeal to issue a writ of mandate, and a remittitur, in *Morales II* by 6:00 p.m. that evening, and (2) further direct the Marin County Superior Court to comply with the Court of Appeal's writ and remittitur, and thus to vacate its own order enforcing the 2007 injunction, by 7:00 p.m. the same evening. The state represents that unless, by these extraordinary means outside our normal rules, we remove the obstacle the 2007 injunction presents to Brown's scheduled execution at 9:00 p.m. on September 30, 2010, the state will likely be unable to execute Brown, or any other condemned inmate, during this year. That is so, the state declares, because its limited, and temporarily irreplaceable, supply of one of the execution drugs, sodium thiopental, "expires" on October 1, 2010.

The state acknowledges that these proposals contravene the well-established rules governing the times for seeking, and ordering, review in this court, and for the issuance of remittiturs. It argues only that this court has the inherent power to suspend those rules in the interest of justice. But the state fails to demonstrate that this is a situation in which mandate properly lies "to compel the performance of an act which the law specially enjoins." (Code Civ. Proc., § 1085.) No compelling reason appears why this court should, by extraordinary means, remove an obstacle to Brown's execution by denying litigant Sims his full normal time to petition for review in this court, or by cutting short its own jurisdictional time to grant or order review in *Morales II*. By choosing an execution date for Brown of September 29, 2010, with presumptive knowledge that it faced the imminent loss of an essential ingredient to the execution on October 1, 2010, the state has itself contributed to circumstances incompatible with the orderly resolution, pursuant to normal procedures, of pending legal issues in connection with executions under the new regulations.

Accordingly, the state's "Petition for Writ of Mandate or Other Appropriate Relief" is denied.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S179866

**NETTLES (DAMOUS D.) ON
H.C.**

Petition for writ of habeas corpus denied

S179992**P. (DOHEEN) ON H.C.**

Petition for writ of habeas corpus denied

S180057**BEALER (ANTWOINE) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218.)**S180484****SIMMONS (CHRISTOPHER) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)**S180514****BRISSETTE, SR., (THOMAS FLOYD) ON H.C.**The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S180524****TAYLOR (RALPH ANTONIO) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

George, C. J., was recused and did not participate.

S180532**PEARSON (SEAN) ON H.C.**

Petition for writ of habeas corpus denied

S180539**WILLIE (JOHNNY) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)**S180552****BROUSSARD, JR., (CURLEY JOHN) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S180553**STEVENS (ANDRE L.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

S180574**THOMPSON (LINDBERG) ON
H.C.**

Petition for writ of habeas corpus denied

S180601**PADILLA (EDWARD G.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S180628**DAVIS (DONELL) ON H.C.**

Petition for writ of habeas corpus denied

S180629**ALLEN (WILLIAM M.) ON
H.C.**

Petition for writ of habeas corpus denied

S180633**BASTIAANS (PATRICK) ON
H.C.**

Petition for writ of habeas corpus denied

S180640**CHAVEZ (FERNANDO
MIRANDA) ON H.C.**

Petition for writ of habeas corpus denied

S180641**GRIFFIN II (CHARLES E.)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S180647**ACKERMAN (ROBERT) ON
H.C.**

Petition for writ of habeas corpus denied

S180651**PAULEY (EDWIN) ON H.C.**

Petition for writ of habeas corpus denied

S180689**SYKES (MILTON) ON H.C.**

Petition for writ of habeas corpus denied

S180755**GARCIA (JOSE
RODRIGUEZ) ON H.C.**

Petition for writ of habeas corpus denied

S180880**McKISSICK (RANDAL) ON
H.C.**

Petition for writ of habeas corpus denied

S180910**SEARCY (DONALD) ON H.C.**

Petition for writ of habeas corpus denied

S180911**BANUELOS (AURELIANO)
ON H.C.**

Petition for writ of habeas corpus denied

S180913**TOMAS (VICENTE J.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Lindley* (1947) 29 Cal.2d 709; *In re Waltreus* (1965) 62 Cal.2d 218.)

S180925**BARRIENTOS (JOEY A.) ON
H.C.**

Petition for writ of habeas corpus denied

S180927**LIGGINS (ORIENTHAL
DELEANOR) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

S180938**JAVIUS (JOSHUA EMILL)
ON H.C.**

Petition for writ of habeas corpus denied

S180942**HARRIS (LEE) ON H.C.**

Petition for writ of habeas corpus denied

S180944**ARMSTRONG, SR.,
(HAROLD LEONARD) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S180962**HALE, JR., (CHARLES L.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dixon* (1953) 41 Cal.2d 756.)

S180969**WHITE (ALFRED RAY) ON
H.C.**

Petition for writ of habeas corpus denied

S180971**GONZALEZ (IVAN) ON H.C.**

Petition for writ of habeas corpus denied

S180986**BARKLEY (CHRISTOPHER)
ON H.C.**

Petition for writ of habeas corpus denied

S180990**ALVARADO (ALICE
VALLEZ) ON H.C.**

Petition for writ of habeas corpus denied

S180996**NELSON (BRADLY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

S180998**ROBINSON (MAURICE
DEVON) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S181001**GOMEZ (FAUSTINO) ON
H.C.**

Petition for writ of habeas corpus denied

S181003**CROW (RUSSELL TODD) ON
H.C.**

Petition for writ of habeas corpus denied

S181005**McDADE (CARL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S181007**TEVENAL (CARLOS) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S181022**BERNAL (PEDRO) ON H.C.**

Petition for writ of habeas corpus denied

S181027**SWANIGAN (FREDRICK
GLEN) ON H.C.**

Petition for writ of habeas corpus denied

S181029**GRAY (CURTIS Le'BARRON)
ON H.C.**

Petition for writ of habeas corpus denied

S181048

Petition for writ of habeas corpus denied

PLAYER (MARCUS) ON H.C.**S181057**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**WILLIAMS (DONALD RAY)
ON H.C.****S181062**

Petition for writ of habeas corpus denied

ALLEN (MICHAEL) ON H.C.**S181068**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770.)

**OGG (EMIL MORAD) ON
H.C.****S181073**

Petition for writ of habeas corpus denied

ALCALA (JOSE) ON H.C.**S181091**

Petition for writ of habeas corpus denied

VALDIVIA (MOSES) ON H.C.**S181107**

Petition for writ of habeas corpus denied

NGUYEN (LAM) ON H.C.**S181155**

Petition for writ of habeas corpus denied

**GALINSKI (VICTOR JOHN)
ON H.C.****S181158**

Petition for writ of habeas corpus denied

WILLIAMS (JOHN) ON H.C.**S181166**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re*

**MUSZYNSKI (MARK S.) ON
H.C.**

Robbins (1998) 18 Cal.4th 770, 780.)

S181170

Petition for writ of habeas corpus denied

CHICHIL (HILARIO) ON H.C.

S181172

Petition for writ of habeas corpus denied

**PACE (CARLIN MICHAEL)
ON H.C.**

S181175

Petition for writ of habeas corpus denied

PETRICH (HUBERT) ON H.C.

S181194

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218.)

**WYNN (JOSEPH RICHARD)
ON H.C.**

S181196

Petition for writ of habeas corpus denied

FALCON (LIONEL) ON H.C.

S181198

Petition for writ of habeas corpus denied

**FAIRCHILD-LITTLEFIELD
(GIGI ARIEL) ON H.C.**

S181200

Petition for writ of habeas corpus denied

**BAKER (SAUL SONNY) ON
H.C.**

S181222

Petition for writ of habeas corpus denied

**BENNETT (EDWIN W.) ON
H.C.**

S181248

Petition for writ of habeas corpus denied

CHISOM (TONY) ON H.C.

S181252

Petition for writ of habeas corpus denied

HANDY (ELLIS) ON H.C.**S181256**

Petition for writ of habeas corpus denied

DAO (AN VAN) ON H.C.**S181263**

Petition for writ of habeas corpus denied

GZIKOWSKI (JOHN) ON H.C.**S181277**

Petition for writ of habeas corpus denied

HEADS (TERRY) ON H.C.**S181278**

Petition for writ of habeas corpus denied

**BARNES (MICHAEL
WAYNE) ON H.C.****S181280**

Petition for writ of habeas corpus denied

**MOHAMED (RONNIE) ON
H.C.****S181283**

Petition for writ of habeas corpus denied

**FISHER (PERRY DON) ON
H.C.****S181284**

Petition for writ of habeas corpus denied

**PELLEGRINO (SALVATORE)
ON H.C.****S181539****WILLIAMS (DONALD RAY)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S181647**WILLIAMS (DONALD RAY)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S182007**GRAY (CURTIS Le'BARRON)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

S182051**WILLIAMS (DONALD RAY)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S182168**RAYBURN (HARVEY GENE)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S182261**WILLIAMS (DONALD RAY)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S182941**WILLIAMS (DONALD RAY)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S183127**RAMOS (ARMANDO) ON
H.C.**

Petition for writ of habeas corpus denied

S183415**LAUDENBACK (BRIAN) ON
H.C.**

Petition for writ of habeas corpus denied

S183464

Petition for writ of habeas corpus denied

**RODRIGUEZ (ERNESTO) ON
H.C.****S183477**

Petition for writ of habeas corpus denied

SENATOR (BRUCE) ON H.C.**S183697**

Petition for writ of habeas corpus denied

**DEWOOD (JOHN ROBERT)
ON H.C.****S183732**

Petition for writ of habeas corpus denied

**LITTLE, JR., (LARRY JOHN)
ON H.C.****S184189**

Petition for writ of habeas corpus denied

**EVANS (CHARLES L.) ON
H.C.****S184497**

Petition for writ of habeas corpus denied

**LEGARE (JASON PAUL) ON
H.C.****S184526**

Petition for writ of habeas corpus denied

GOMEZ (TRINIDAD) ON H.C.**S184595**The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)**BLACKWELL (RODNEY) ON
H.C.****S184835**

Petition for writ of habeas corpus denied

**GRAY (CURTIS Le'BARRON)
ON H.C.**

S185181

Petition for writ of habeas corpus denied

FELIZ (ARMANDO) ON H.C.**S184640**

B212672 Second Appellate District, Div. 8

**FOX (ELLIOTT M.) v.
JAMDAT MOBILE, INC.
(NECA-IBEW PENSION
FUND)**

Depublication request denied (case closed)

S184682

B210930 Second Appellate District, Div. 3

**FUSS-McCULLOUGH
(JUSTIN) v. NIKE, INC.**

Publication request denied (case closed)

S050583

Appellant's request for judicial notice is granted.

**PEOPLE v. HOWARD
(DEMETRIUS CHARLES)****S185111**

Petition denied (accusation)

ACCUSATION OF ANCHETA**S185374**

Petition denied (accusation)

ACCUSATION OF BISORDI**S185463**

Petition denied (accusation)

ACCUSATION OF CLOSNER**S185513**

Petition denied (accusation)

ACCUSATION OF BAILEY**S185515**

Petition denied (accusation)

ACCUSATION OF SANTOS**S185526**

Petition denied (accusation)

ACCUSATION OF DODD

S185534

Petition denied

(accusation)

ACCUSATION OF BOISVERT**S185551**

Petition denied

(accusation)

ACCUSATION OF GUTZKE**S185577**

Petition denied

(accusation)

ACCUSATION OF SMITH**S185578**

Petition denied

(accusation)

ACCUSATION OF SHEN**S185586**

Petition denied

(accusation)

**ACCUSATION OF
MKRTCHYAN****S185594**

Petition denied

(accusation)

ACCUSATION OF RUSSELL**S185652**

Petition denied

(accusation)

ACCUSATION OF SUTTON**S185656**

Petition denied

(accusation)

ACCUSATION OF WAGNER**S185719**

Petition denied

(accusation)

ACCUSATION OF JOHNSON**S185765**

Petition denied

(accusation)

ACCUSATION OF BARNER**S185841**

Petition denied

(accusation)

ACCUSATION OF DAVIS

S185883

Petition denied

(accusation)

**ACCUSATION OF
WASILEWSKI**

S186217

Petition denied

(accusation)

**ACCUSATION OF HARRIS,
JR.**

